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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/125,479 05/06/99 LANCASTER

R LAUS-24408

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LM02/0120

EXAMINER

RETTA, Y

ART UNIT

PAPER NUMBER

2764

DATE MAILED:

01/20/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/125,479

Applicant(s)
Roger Lancaster

Examiner
Yehdega Retta

Group Art Unit
2764



☒ Responsive to communication(s) filed on Apr 26, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-13 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-13 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Drawings

1. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81. No new matter may be introduced in the required drawing.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claims 1 and 6, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371⁶ of this title before the invention thereof by the applicant for patent.

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4. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Shepherd U.S. Patent No. 5,970,479.

5. As per claims 1, 6, 9 and 10, Shepherd disclose a central clearing house; a cash deposition facility, such as computer based cash management fund, electronically linked to the central clearing house computer; and automated real time screen trading system linked to the central clearing house computer; contract exchange creates, trades and closes indivisible financial package contracts each of which have two parties, a buyer and seller (see fig. 1 and col. 9 line 42 to col. 10 line 23); credit immediately transferred from the trading account of the party making the loss to the party making the profit (see col. 24 lines 59-67). The following cited limitations "the price of the contracts is determined by a market; investors make sufficient funds available to a trading account from a depositing facility account (bank) to cover the proportion of the value of a contract, as determined by the gearing (leverage) ratio; as the price moves in the market, the parties to contracts gain or lose the entire changed value of the contracts they hold; either the buyer or the seller makes an incremental profit after each price movement and the counter party makes an incremental loss; the clearing house holds options on all the contracts and is able to exercise its option rights to dispose of some or all of a party's contracts in the market if that party's trading, or assigned funds became insufficient to cover the proportion of the value of the contracts held, as determined by the gearing ratio; should the clearing house be unable to dispose of the contracts required in the market then when the contract price moves such that the party's funds fall to zero, it is able to close all that party's contracts at that price, simultaneously

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closing all the contracts held by the counter parties; closing takes place without delay and without the involvement of any other parties” are inherent to agreement made with the brokerage or clearing house. (See Basic facts about futures trading page 7 and 8).

6. As per claims 2-5, 7, 8, 11-13, the cited limitations “wherein the clearing house exercising its option rights and attempting to dispose of a party’s contracts in the market and counter party enters the opposite parameter of the market, then the clearing house may close all the party and counter party contracts that are in the market at the same time; the clearing house may close sufficient of the party’s contracts with the counter party’s contracts so that the party no longer has insufficient funds to cover the proportion of the value of the contracts held at the price of the market parameter; clearing house enters into a purchase of contract with the buyer and seller of a contract at the same price ...” are all inherent to the standard practice of the contract agreements between the clearing house or broker and the seller and buyer of the contract (for reference, see Basic facts about futures trading page 6-8).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wagner U.S. Patent No. 4,903,201, automated futures trading exchange

Musmanno et al. U.S. Patent No. 4597046, securities brokerage-cash management system obviating float costs by anticipatory liquidation of short term assets.

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Hunt et al. U.S. Patent No. 5,724,524, method and system for listing, brokering, and exchanging carrier capacity.

Roberts et al. U.S. Patent No. 4,752,877, method and apparatus for funding a future liability of uncertain cost.

Guttermann et al. U.S. Patent No. 5297031, method and apparatus for order management by market brokers.

Lindsey et al. U.S. Patent No. 5063507, goods database employing electronic title or documentary-type title.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (703) 305-0436. The examiner can normally be reached on Monday-Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

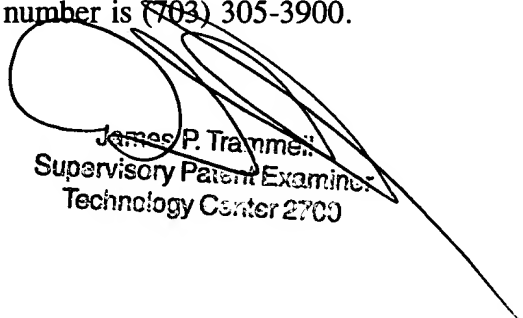
or:

(703) 308-5397, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive Arlington, Virginia, (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Examiner
Yehdega Retta
Art Unit 2764
January 14, 2000


James P. Trammell
Supervisory Patent Examiner
Technology Center 2700